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ORDINANCE NO. 46-550

AN ORDINANCE AMENDING SECTION 11.52.020, OF THE CODE OF THE CITY OF WICHITA, KANSAS AND REPEALING THE ORIGINAL OF SAID SECTION OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL PARKING--EXCEPTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 11.52.020 of the Code of the City of Wichita, Kansas, shall read as follows:

“Unlawful parking--Exceptions. It is unlawful, except when necessary to avoid conflict with other traffic or in obedience to traffic regulations or the directions of traffic control devices or a police officer:

(1) For any person or operator to park on any street or alley in the city for a longer time than shown on the official sign stating the maximum period for parking; provided, however, that it is not unlawful for motor vehicles to park beyond the maximum time in such designated places as shown by the official signs between the hours of six p.m. and eight a.m. and on Sundays and legal holidays. During the restricted parking period from eight a.m. until six p.m., in any twenty-four hour period, it is unlawful for any vehicle to be parked on the same side of the street in the same block for a period or periods of time, the total

of which is greater than the period of time so designated for parking on such street;

(2) For any person or operator, other than the operator of a taxicab or U.S. postal vehicle, to park in any taxicab stand when the same has been designated and marked as such;

(3) For any person or operator to park at any time in any zone designated as a no-parking zone;

(4) For any person or operator to stop or park a motor vehicle on a sidewalk or in a sidewalk area;

(5) For any person or operator to park a motor vehicle in front of or within the approach to a public or private driveway or alley, or within eight feet of the line formed by the extension of either edge of the public or private driveway or alley;

(6) For any person or operator to stop or park a motor vehicle within an intersection;

(7) For any person or operator to park or stop a motor vehicle within fifteen feet of a fire hydrant, provided such place is not in a parking meter zone;

(8) For any person or operator to stop or park a motor vehicle on a crosswalk;

(9) For any person or operator to stop or park a motor vehicle within twenty feet of a crosswalk at an intersection, not in a parking meter zone;

(10) For any person or operator to stop or park a motor vehicle within thirty feet of the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway, not in a parking meter zone;

(11) For any person or operator to stop or park a motor vehicle between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic engineer shall indicate a different length by signs or markings;

(12) For any person or operator to park a motor vehicle within fifty feet of the nearest rail of a railroad crossing, or to park on or within six feet of a railroad track lying within a street;

(13) For any person or operator to stop or park a motor vehicle within twenty feet of the driveway entrance to any fire station, or on the side of the street opposite the entrance to any fire station within seventy-five feet of such entrance (when properly signposted);

(14) For any person or operator to stop or park a motor vehicle alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(15) For any person or operator to stop or park a motor vehicle on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(16) For any person or operator to stop or park a motor vehicle upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(17) For any person or operator to move a motor vehicle not owned by such person into any of the above prohibited areas, into a no-parking zone, or away from a curb such distance as is unlawful;

(18) For any person or operator to park a motor vehicle on any street or alley in the city for the purpose of advertising;

(19) For any person or operator of a motor vehicle to stop such vehicle for the purpose of loading or unloading school children at any school where such school children are going to or returning from school, except upon the side of the street where the school is located;

(20) (a) or any person or operator to stop or park a motor vehicle in an alley except in the case of a truck which shall be permitted to park in any alley while actually engaged in loading or unloading, or for a period of time not to exceed thirty minutes; provided, that such truck shall not be parked or permitted to stand in any alley in such a manner or under such conditions as to leave available less than ten feet of width of the alleyway for a free movement of vehicular traffic, except that in alleys with less than sixteen feet of width for the free movement of vehicular traffic, trucks shall be parked either with the right wheels within six inches of a curb, where there is a curb or the right side of the vehicle within six inches of abutting buildings or loading docks, where no curb is provided, and

(b) In the Old Town overlay zoning district in those alleys designated for parking by the traffic engineer by appropriate signs,

provided that only one side of an alley may be designated for parking and, provided further, that such alleys may be closed from time to time under the same procedure as used for street closures;

(21) For any person or operator to stop, stand or park any motor vehicle upon a street other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic;

(22) For any person or operator to park a motor vehicle on any street or alley in the city for the primary purpose of displaying it for sale;

(23) For any person or operator to park a motor vehicle on any street or alley in the city for the primary purpose of washing, greasing or repairing such vehicle except repairs necessitated by an emergency;

(24) For any person or operator, except when necessary for the loading or unloading of property or merchandise, or the performance of services at a residence, to park a truck with a manufacturer's rated capacity of over three-quarter ton, a bus, recreational vehicle, tractor, road tractor, farm tractor, trailer, semitrailer or other commercial vehicle as defined in subsection (24)(a) of this section, on any street in a residential district, as defined in Section 11.04.275, for longer than two hours. In any twenty-four hour period, it is unlawful for any such vehicle to be parked on the same side of the street, in the same block for a period or periods of time, the total of which is greater than two hours,

(a) As used in this section, "commercial vehicle" means any truck, van, panel truck, delivery van, trailer, semitrailer or pole trailer

drawn by a motor vehicle, which vehicle is designed, used and maintained for the transportation of persons or the delivery of property for hire, compensation, profit or in the furtherance of any commercial enterprise. The term "commercial vehicle" does not include vehicles typically used for passenger or commuting purposes which have a gross weight of twelve thousand pounds and under or motor vehicles which are licensed and registered as a passenger vehicle;

(25) (a) (i) For any person or operator to stop or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, in any parking space designated as handicapped or disabled parking without having on their person a current and valid individual identification card, or state or county receipt for a temporary placard, and properly displaying a current and valid special license plate, permanent placard, disabled veteran license plate, or temporary placard issued pursuant to K.S.A. 8-161 or K.S.A. 8-1,125, and any amendments thereto, and such vehicle is actually being operated by or used for the transportation of a disabled person or disabled veteran. For purposes of this section, handicapped or disabled parking space shall be defined as set forth at K.S.A. 8-1,128 and any amendments thereto,

(ii) For the purposes of this section, permanent or temporary placards must be suspended from the front windshield rearview mirror of a vehicle utilizing a parking

space reserved for persons with disabilities so as to be maximally visible from the outside of the vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard. Special license plates or disabled veteran license plates must be displayed on the vehicle in compliance with K.S.A. 8-133, and any amendments thereto,

(b) For any person or operator to stop, stand or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, so that it blocks access to a designated handicapped parking space, access ramp, or access area. For purposes of this subsection, "access ramp" shall be defined to be that area of whatever dimension or configuration immediately adjacent to a designated disabled accessible parking space that is marked in any manner indicating it is to be used in conjunction with such designated disabled accessible parking space. "Access area" shall be defined to be that area of whatever dimension or configuration immediately adjacent to a designated disabled accessible parking space that is marked in any manner indicating it is to be used in conjunction with such disabled accessible parking space,

(c) Violation of subsections 25(a) or (b) of this section is a misdemeanor punishable by a fine of not less than one hundred dollars,

(d) For any person or operator to stop or park a vehicle, as defined in K.S.A. 8-126 and amendments thereto, in any parking space

designated as handicapped or disabled parking without properly displaying, as required by subsection (25)(a)(ii) of this section, a current and valid special license plate, permanent placard, disabled veteran license plate, or temporary placard issued to such person or operator pursuant to K.S.A. 8-161 or K.S.A. 8-1,125, and any amendments thereto, and such vehicle is actually being operated by or used for the transportation of a disabled person or disabled veteran. For purposes of this section, handicapped or disabled parking space shall be defined as set forth at K.S.A. 8-1,128 and any amendments thereto,

(e) Violation of subsection 25(d) of this section is a misdemeanor punishable by a fine of not less than fifty dollars,

(f) Persons operating vehicles that meet the requirements set forth in subsection 25(a) of this section may back into public parking spaces or park diagonally in two regular parking spaces if there are no handicapped parking spaces available,

(g) Public and private handicapped parking spaces shall conform to the requirements set forth in K.S.A. 8-1,128,

(h) The provisions of subsections (25) and (26) of this section shall be enforced on public and private property, and shall be applicable twenty-four hours a day. Private security personnel shall have authority to issue citations on private property that is under the control of such private security personnel's employer,

(i) Current and valid official identification devices issued to a person with a disability by any other state, district, territory or political subdivision in conformity with federal law shall be recognized as acceptable identification for purposes of subsection (25)(a) of this section, except those issued to persons who have been residents of Kansas for at least sixty days. Identification devices issued by private entities shall not constitute acceptable identification for the purposes of subsection (25)(a) of this section.

(j) The imposition of the fine established in subsections (25)(c), (25)(e) and (26)(d) of this section shall be mandatory and the court shall not waive, remit, suspend, parole or otherwise excuse the payment thereof, except that the court may order that the defendant perform community service specified by the court but such an order shall be entered only after the court has required the defendant to file an affidavit of such defendant's financial condition as required by Section 1.04.210(e) and amendments thereto, and the court has found from the information contained in the affidavit that the defendant is financially unable to pay the fines imposed;

(26) (a) For any person to utilize an accessible parking identification device which has expired or has been revoked or suspended by the secretary of revenue pursuant to subsection (c) of K.S.A. 8-1,125, and amendments thereto, or K.S.A. 8-1,130b, and amendments thereto,

(b) For any person to utilize an accessible parking identification device issued to another person, agency or business, to park in any parking space designated as handicapped or disabled parking or to otherwise utilize the parking privileges granted to persons with disabilities in K.S.A. 8-1,126, and amendments thereto, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued,

(c) For any person to display or cause or permit to be displayed, or to have in possession any accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered,

(d) A violation of subsection (26)(a), (26)(b) or (26)(c) of this section is a misdemeanor punishable by a fine of not less than one hundred dollars and no more than three hundred dollars;

(27) (a) For any person to abandon, park or leave unattended a vehicle on the property of another unless authorized by the owner or person in charge of such property to do so. Provided, however, that this subsection shall apply only when such property is clearly and visibly marked by a sign or signs having lettering of at least one and one-half inches high and one-half inch wide, specifically indicating that unauthorized parking is prohibited and further clearly and visibly marked by a sign or signs with lettering of at least one inch high and three-eighths inch wide indicating that unauthorized vehicles will be towed away at the

owner's expense. For signs required hereunder, the provisions of Chapter 24.04 of this code shall have no application,

(b) In any proceeding for the violation of this section, the registration plate displayed upon the motor vehicle in violation shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the place where the violation occurred.”

SECTION 2. The original of Section 11.52.020 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 8th day of March, 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law